THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.25243 OF 2006

Date: 15-12-2006

Between:
T.Veeranna, s/o late Sidhappa,
Aged 42 years, r/o 4-5-63/2,
Ramamandir Street, Sadhasivapet,
Medak District.

... Petitioner.

And

The Municipal Commissioner,
Sadhasivapet Municipality,
Sadhasivapet, Medak District.

... Respondent.

* * *

ORDER:

Heard both the counsel.

2. This Court ordered notice before admission on 04.12.2006 and status quo was granted for a period of two weeks. The impugned notice reads as hereunder.

> " It has been brought to the notice of the under signed that you have encroached the Kandakam land 8.22 x 12.00 mts. by way of basement with pillars which is causing inconvenience to the traffic and also public.
>
> Therefore, you are hereby directed to remove the above encroachment made by you within 3 days from the date of receipt of this notice, failing which the same will

be got removed departmentally and the cost of removal charges will be recovered under Sections 360 and 361 of Andhra Pradesh Municipalities Act, 1965."

3. The writ petition is filed for a writ of Mandamus declaring action of the respondent in issuing inquiry notice Lr.Roc.no.C91/3/06, dated 01.12.2006, under Sections 192, 193 and 194 of Municipalities Act, though the petitioner left the setback of 70 feet which is more than the mentioned in the master plan, granting three days time and stating that the petitioner encroached Kandakam land an extent of 8.22 basement with pillars removing the structure, as illegal and arbitrary and pass such other suitable orders.

4. It is no doubt stated that the writ petitioner filed yet another writ petition No.24854 of 2006 and this Court by order dated 04th December 2006 disposed of the same with the following directions.

" In the light of the facts and circumstances, this Court is of the considered opinion that the writ petition be disposed of directing the respondent to consider the application of the petitioner dated 11.7.2005 for grant of permission for construction of house in relation to the subject matter of the writ petition in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. No order as to costs."

5. No doubt certain submissions are made that the relief prayed for in the aforesaid writ petition and the relief prayed for in

the present writ petition being different, the present writ petition may have to be heard further. However, in the light of the nature of the notice impugned in the present writ petition, which had been specified supra, this Court is of the considered opinion that the writ petition be disposed of giving liberty to the petitioner to treat the same as show cause notice and the petitioner to submit explanation raising all the objections, inclusive of the orders, made in the writ petition referred to supra within a period of two weeks from the date of receipt of a copy of this order and the respondent to consider such objections and take appropriate decision in this regard. *Status quo* obtaining as on today to be maintained by both the parties till such exercise is made by the respondent. No costs.

_____

P.S.NARAYANA, J.

Date: 15th December 2006.

Note:
Issue order copy by wire
at party's costs.

//B.O.//
BSB